

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9469 of 2006

DATED: 28-04-2006

BETWEEN

K. Kanaka Durga, wife of V.Radha Krishna

...PETITIONER

AND

The Municipal Corporation of Hyderabad,

Represented by its Commissioner, Hyderabad

and another

...RESPONDENTS

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THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9469 of 2006

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the 1st respondent in issuing the impugned orders No. 19, dated 25.04.2006, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner as well as the learned

standing counsel appearing for the respondents and perused the material on record.

It is the case of the petitioner that she is the absolute owner of the plot No. 76 in Aswani Lay-out situated in Sy.No.403, Ward No.9 of Shaikpet Village, Jubilee Hills, Hyderabad, admeasuring 760 square yards and she has obtained building permission wide P.No.130/43/2006 (File No.178/open/8/2005 on 16-02-2006 for construction of the ground, first and second floors. It is stated that the petitioner has not violated any rules and regulations in constructing the building in accordance with the sanctioned plan. But without specifying any alleged deviations, the respondents have issued notice to stop further construction of the ground floor against the sanctioned plan and raising the first floor/ pillars.

I am of the opinion that the said notice is given without mentioning any material particulars. If there is any violation, it is open for the respondents to issue show cause notice under Section 452 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') if there is any deviation or conversion, call upon the petitioner to submit the explanation and if there are any deviations, it is open to the respondents to issue final notice under Sction 636 of the Municipalities Act.

Having regard to the facts and circumstances of the case, I am of the opinion that the impugned notice is issued without pointing out any deviation, and hence the impugned notice is set aside and it is open for the respondents to take appropriate action in accordance with law.

Writ petition is accordingly disposed of. No order as to costs.

V. ESWARAIAH, J.

Dated: 28-04-2006

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